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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,804	12/03/2003	Adam DeWain Watson	AW-001	4110
29956	7590	11/03/2005		
TIMOTHY P. O'HAGAN 8710 KILKENNY CT FORT MYERS, FL 33912				
			EXAMINER MORGAN, EILEEN P	
			ART UNIT 3723	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,804

Applicant(s)

WATSON, ADAM DEWAIN

Examiner

Eileen P. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 and 15-17 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-13, 18-32 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10-13, 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dicke-4,381,628 in view of Reiter-4,779,385.

Dicke discloses a hand held sanding device having a bottom sanding plate, a dust collection fan (50) with a fan inlet joined to a vacuum manifold, a motor (28) coupled to the housing for rotating the fan so air is drawn from around the sanding plate and expelled (80) into an exhaust manifold (not shown). The motor also comprises means (40) for imparting an orbiting movement between sanding plate and housing to sand workpiece. Dicke does not disclose the structure of the bottom sanding plate having a plurality of channels defining mesas for supporting a porous sanding screen. However, Reiter teaches a sanding device having vacuum means to collect dust wherein the device includes a bottom sanding plate having a plurality of channels (56) defining mesas (52,54) for supporting a porous sanding screen (col. 3, last line) wherein dust/air is drawn through the screen, through the channels, through the apertures (48) , into the vacuum manifold (46) for expelling into an exhaust manifold. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to modify the sanding plate of Dicke with the sanding plate of Reiter in order to more

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thoroughly collect dust through a porous screen since the dust collection area would encompass the entire sanding screen area instead of the restricted side areas of Dicke. In regard to claims 3, 12, 19, Reiter does not show a central aperture but two spaced apertures (70, 72). To use a central aperture instead of two offset apertures would have been an obvious design expedient since the fan of Dicke would be aligned with such an aperture providing a more effective vacuum action. In regards to claims 21, 23, 24, 28, 30, 32, 1 to form a perimeter mesa around the screen of Reiter to limit suction to only the air drawn through the screen would have been an obvious design choice dependent on sanding parameters.

Allowable Subject Matter

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6-9, 15-17 appear allowable over the prior art of record.

Response to Arguments

Applicant's arguments filed 8-15-05 have been fully considered but they are not persuasive. In regard to a 'porous sanding screen', Reiter teaches a sandpaper porous screen having holes (porous) to draw the dust in more centrally of the perimeter (col. 3, last two lines-col.4, lines 1-3). Adding holes does not increase the size of the periphery, in fact these holes are located centrally of perimeter. The sandpaper of Reiter with holes reads on a porous sanding screen, as claimed. Arguments drawn to solving the

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problem of clogging, as disclosed in his specification (Remarks-pgs. 13-14), are not germane to the rejection of the claimed subject matter.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

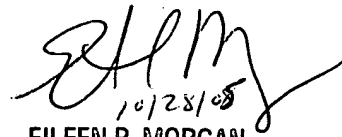
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen P. Morgan whose telephone number is 571.272.4488. The examiner can normally be reached on Tuesday-Thursday (Office), Friday (Work at home).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571.272.4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EM
October 28, 2005


10/28/05
EILEEN P. MORGAN
PRIMARY EXAMINER